IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.230 OF 2004

Shri Vishwas Chavan ...Petitioner
Versus
The Municipal Corporation, Pune & Ors. ...Respondents

Shri G.S.Godbole for the Petitioner.
Shri R.M.Pethe for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 20, 2007.

P.C.:

1. Heard Advocates appearing for the parties. According to the case of the Petitioner the third Respondent herein (fourth Respondent in Writ Petition No.5412 of 2003) has committed breach of order dated 17th November, 2003 passed by the Division Bench of this Court in the said Writ Petition. While disposing of the Writ Petition this Court accepted the statement made in the affidavit in reply filed by the third Respondent herein in which it was categorically stated that he will investigate into the complaints made against the fourth Respondent. The Division Bench also recorded that it is stipulated that the inquiry will be complete in two weeks.

2. The grievance of the Petitioner is that notwithstanding the said order of the Division Bench, no action has been taken.

3. There is an affidavit in reply filed by the third Respondent herein. A copy of report dated 12th December, 2003 submitted by the Deputy Commissioner of

the first Respondent is annexed to the said affidavit. The said report is submitted by the Deputy Commissioner on completion of the inquiry. In the affidavit of the third Respondent, it is stated that in view of a decision of the Division Bench of this Court in the case of Martin Nirmal Vs. State of Maharashtra (2001(4) Maharashtra Law Journal Page 643), everything which was required to be done by him has been done. Infact, it is stated that the report was placed before the general body of the first Respondent-Corporation on 27th January, 2006. Though belatedly, an inquiry has been completed. There is a substantial compliance made with the statement recorded by this Court in the Writ Petition while disposing of the Writ Petition. Even assuming that there is a breach on the part of the third Respondent, the same cannot be said to be a deliberate or wilful breach.

4. Hence, it is not necessary to take any further action against the third Respondent. Notice issued to the third Respondent is discharged. Petition is disposed of. It is obvious that remedy available to the Petitioner for taking further steps in the matter of disqualification is still available notwithstanding the order passed by this Court as the only question considered by this Court in this Petition is whether it is necessary to take action under the Contempt of Courts Act, 1971.

JUDGE